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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

NATIONAL LABOR RELATIONS)
BOARD,)
)
Petitioner,)
) Comp No. 14 2722, 15 1197
V.) Case No. 14-3723; 15-1187
GOVERN CORADA DA CARG DIG 1/1/-)
CONTEMPORARY CARS, INC., d/b/a)
MERCEDES-BENZ OF ORLANDO and)
AUTONATION, INC., Single and Joint)
Employers,)
)
Respondents.)

UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO THE NATIONAL LABOR RELATIONS BOARD'S PETITION FOR ADJUDICATION IN CIVIL CONTEMPT AND FOR OTHER CIVIL RELIEF

Respondents AutoNation, Inc. and Mercedes-Benz of Orlando ("Respondents"), by and through their undersigned attorneys, respectfully move this Court for an extension of time to answer or otherwise respond to the National Labor Relations Board's ("Petitioner") Petition for Adjudication in Civil Contempt and for Other Civil Relief ("Petition"). In support of this Motion, Respondents state as follows:

- 1. On October 2, 2017, Petitioner filed its Petition. See Dkt. 43.
- 2. Respondents' answer or other responsive pleading to the Petition is currently due to be filed by October 18, 2017.
- 3. After being served with the Petition, counsel for Respondents contacted counsel for Petitioner to discuss the Petition and prospects for potential resolution of this matter in the absence of further briefing. See Affidavit of Steven M. Bernstein, attached as Exhibit A.

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Counsel for Petitioner subsequently represented that if Respondents were "planning 4. on making valid offers of reinstatement" to the five complainants in this matter, then it would not

oppose the present Motion. Respondents represent that they are willing to do so. See Ex. A.

Counsel for Petitioner further represented that it would move for a stay of 5.

proceedings in this matter upon a timely and persuasive demonstration that Respondents were

"moving toward compliance with the Court's Order in this case." See Ex. A.

Pursuant to the foregoing, Respondents request an additional twenty-eight (28) 6.

days in which to answer or otherwise respond to Petitioner's Petition. This extension will provide

sufficient time for Respondents to work toward implementation of the remaining aspects of

compliance, and for Petitioner to make an informed assessment of Respondents' remaining

implementation efforts.

Pursuant to Federal Rule of Appellate Procedure 26(b), "[f]or good cause, the court 7.

may extend the time prescribed by these rules or by its order to perform any act, or may permit an

act to be done after that time expires."

Based upon the good cause showing herein and lack of opposition from Petitioner, 8.

Respondents request that the Court grant them an extension of time until November 15, 2017 in

which to answer or otherwise responsively plead to Petitioner's Petition.

WHEREFORE, for the reasons above stated, Respondents respectfully request this

Honorable Court grant Respondents an extension until November 15, 2017 to answer or otherwise

respond to Petitioner's Petition and to grant other relief it deems fair and just.

Dated: October 13, 2017

Signature Page to Follow

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Respectfully submitted,

/s/ Steven M. Bernstein
Counsel for Respondents
Steven M. Bernstein
FISHER & PHILLIPS LLP
101 East Kennedy Boulevard, Suite 2350
Tampa, Florida 33602
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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2017 I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the appellate CM/ECF system. I also certify that the foregoing motion was served on all parties or their counsel of record through the CM/ECF system as all counsel are registered users.

/s/ Steven M. Bernstein
Steven M. Bernstein
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EXHIBIT A

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NATIONAL LABOR RELATIONS)
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CONTEMPORARY CARS, INC., d/b/a)
MERCEDES-BENZ OF ORLANDO and)
AUTONATION, INC., Single and Joint)
Employers,)
)
Respondents.)

DECLARATION OF STEVEN M. BERNSTEIN

- I, Steven M. Bernstein, under penalty of perjury, hereby depose and state as follows:
- 1. I am Steven M. Bernstein. I am of age, have personal knowledge of the facts stated herein, and if called as a witness, could and would testify competently thereto under oath.
- 2. I am a partner with the law offices of Fisher & Phillips LLP, and am one of the attorneys representing Respondents AutoNation, Inc. and Mercedes-Benz of Orlando "Respondents") in the above-styled proceeding.
- 3. After being served with a copy of the National Labor Relations Board's ("NLRB," or "Petitioner") Petition for Adjudication in Civil Contempt and for Other Civil Relief ("Petition"), I initiated contact with NLRB Contempt, Compliance and Special Litigation Branch counsel Dean Owens ("Mr. Owens") for purposes of exploring potential options for resolving the matter.
- 4. Upon information and belief, Mr. Owens represents Petitioner in connection with the Petition.
- 5. During a subsequent conversation with Mr. Owens, he agreed that if Respondents were "planning on making valid offers of reinstatement" to the five complainants in this matter,

then Petitioner would not oppose a motion by Respondents for an extension of time in which to answer or otherwise respond to the Petition.

6. During my conversation with Mr. Owens, he further stated that Petitioner would move for a stay of proceedings in this matter upon a timely and persuasive demonstration that Respondents were "moving toward compliance with the Court's Order in this case."

I declare under penalty of perjury that the foregoing Declaration is true and correct.

Steven M. Bernstein